

**January 27, 2005 Minutes of  
Bigfork Land Use Advisory Committee**

Members Present: Tim Calaway, Chairman, Phil Hanson, Bob Keenan, Jack Paulson, Clarice Ryan

Meeting was called to order by Chairman, Tim Calaway at 4:05 p.m.

**Agenda Item 1: Elkridge Corp. – Conditional Use Permit**

Staff reported Permit is for a 4-plex Condo at 104 O'Brien Terrace, consisting of .43 acres in RA-1 Zone.

After answering a few questions on the project, applicant, Mark Tudhal, assured that all covenants and restrictions would be complied with.

Phil Hanson made the motion that the Conditional Use Permit be approved. Clarice Ryan seconded the motion. Motion to approve passed unanimously.

**Agenda Item 2: Mark Tudahl – Conditional Use Permit**

Staff reported the permit was identical to Agenda Item 1 and located on 104 Sunrise Terrace.

Applicant explained that the two projects were in close proximity at the Crestview Eighty 2 Subdivision.

Bob Keenan made the motion that the Conditional Use Permit be approved. Phil Hanson seconded the motion. Motion to approve passed unanimously.

**Agenda Item 3: Withdrawn**

**Agenda Item 4: Mill Creek Land, LLC – Preliminary Plat approval Mill Creek Estates**

Staff reported this was a PUD application for 113 units (31 single family, 82 Town homes) on 37.605 acres zoned R-2 located at 295 Holt Drive. All lots are proposed to have public water and sewer systems. Developer plans ponds for collecting water drainage and esthetic affect, walking paths and attractive landscaping. Developer will rebuild and pave Chapman Hill Road adjacent to the subdivision and at the request of the Bigfork Fire Department will install 3 more fire hydrants. A bike path is proposed along the Holt Drive setback.

Mike Fraser, engineer for the project, reported there would be a 40' setback along Holt Drive and the same on Chapman Hill Road. Offered a drawing of the project showing the landscaping proposed and the location of single-family lots, town homes and clubhouse/recreation facility.

Applicant, Reto Barrington, explained that 11% of the project would be maintained in parkland, approximately 14.2 acres of open space. Landscaping would include over 400 mature trees and proposed reconstruction of Holt Drive from the Chapman Hill turnoff to the west side of the Post Office (approximately 1100 feet). The paving on Chapman Hill road would include approximately 1300 feet.

Chris Moritz made additional comments on the quality of the landscaping proposed.

Questions or comments from the audience were invited.

Bob Holloran asked about a performance bond in the event the development does not complete obligations.

Woody Nedom questioned the density of 82 town homes.

Judy Meseroll asked about the height of the town homes and the placement of entrances.

Jean Murray felt the development would cause traffic problems and dust on Chapman Hill Road through to Hwy 82.

Marge Hoene commented that all of Chapman Hill Road needed to be paved.

Patricia Wagner asked if homeowners would object to the general public using the walking paths.

Jim Torgerson asked if the set back would provide enough space to allow for future widening of Holt Drive.

Wade Hall commented that he supports the development.

Jean Murray asked when the landscaping would be done and what price range was expected for the properties.

Marge Johnson expressed the development contained too many homes.

Bob Hoene asked about completion of the clubhouse and whether selling lots to individual contractors would affect conformity in the development.

Steve Felt expressed approval of the plan and the appearance of the project.

Ann Grant asked about the impact on the school district.

Doug Averill asked if the zoning was locked in or could be changed at a later date.

Denise Lang questioned the wording on the Petition for Zoning Amendment stating R-4.

Carol Venable objected to the PUD and expressed that she does not think we need this in Bigfork.

Applicant Reto Barrington answered the questions:

1. Yes, there is a Performance Bond. It is always required by the County Commissioners.
2. Paving all of Chapman Road is not appropriate for the developers to do.
3. Pointed out the two access points to the development off Chapman Road.
4. Explained that public use is a requirement of Flathead County.
5. All landscaping would be completed.
6. Architectural conformity would be part of the deeded title to lots and town homes.
7. The developer at the beginning of the project would establish a Homeowners Assn. Eventually, the homeowners would take over association responsibilities.
8. School District reports that the development would have no adverse impact on the school system. Mr. Kinser welcomes new students.
9. All phases of the project are covered under the PUD and cannot be rezoned or changed in density.

Mike Frazier explained that the set back on Holt Drive would be sufficient to allow expansion on Holt Drive. Height of the town homes would not exceed the 35-foot limitation set by Flathead County. He reinforced that walking and bike paths were to remain open to the public.

Staff explained that there was an error on the Petition for Zoning Amendment that was not caught by staff. There would be no 4 plexes. The common areas or park areas can never be built on. Performance Bonding is established on the final plat application. This document is recorded, along with the Performance Bond. Lots cannot be sold until this is recorded. He also explained that increased traffic is to be expected with expanding growth.

Board member, Jack Paulson will abstain from voting on this petition. Phil Hanson made the motion that the PUD be denied. Motion died from lack of second.

Tim Calaway made the motion to include Condition #20, which would require that walking and bike paths remain open to the public as long as the development exists. Bob Keenan seconded the motion. Motion passed unanimously.

Clarice Ryan moved the application be approved. Bob Keenan seconded the motion. Board comments: Clarice Ryan expressed that she liked the plan, approved that it would be within water and sewer services and felt it was compatible with adjacent developments. Phil Hanson expressed he did not agree with the density of the project. Bob Keenan offered that the developer had put an incredible amount of effort into working with the community and making changes to the project. Tim Calaway felt the project discourages sprawl and keeps density within the services of sewer and water.

The question was called. Motion passed with three in favor, Jack Paulson and Phil Hanson abstained. This application will appear before the Flathead County Planning and Zoning committee on February 9, 2005.

Mr. Calaway called for a short break in the proceedings at 6:05 p.m. Bob Keenan left at the break and did not return to the meeting.

Proceeding was called to order at 6:20 p.m.

Committee member Bob Keenan left the meeting at 6:05 PM.

**Agenda Item #5: Thomas Peterson and Maxine Johnson – Amend Flathead County Growth Policy**

Staff reported that this involved 14.1 acres on Hanging Rock Drive between Holt Drive and MT Hwy 82. The amendment would change the agricultural designation to a residential designation of Urban Residential allowing 5 to 7 homes per acre. The application contains a new hydrology assessment compared to the assessment done by Montana Fish and Wildlife in a prior application. The new hydrology assessment shows a smaller wetland designation. Staff feels it is inappropriate to change the Master Plan to Urban Residential for this property.

Applicant, Tim Conner, explained that the owner had originally wanted to give a large portion of the property north of the subject property to a conservation easement. He explained that the outside of the wetland designated by the hydrology assessment there would be approximately 11 acres of land appropriate for building. He is proposing 8 to 11 lots on the land.

Bob Trousil, from RLK Hydrology explained the three wetland designators, plants, soil and hydrology. His assessment used the Army Corps of Engineer standards to determine wetlands in the subject property.

Questions or comments from the audience were invited:

Philip Grouse objects to the density and character of the proposal.

Hill Nickel commented that 25 to 30 people were in attendance in the October hearing on this project, all opposing the project. He offered that many were away during the winter months, but had not changed their position on their objections. He is concerned about the affect the project will have on the wetlands.

Marge Johnson objected to the proposal.

Jean Murray objected to the proposal and felt it was not appropriate and compatible with the surrounding homes.

Roger Redifer objected to the density and feels it is not compatible with the surrounding properties.

Roy Johnson asked Tim Conner if Dr. Peterson would consider setting aside a preserve on the 14 acres south of Buz Johnson.

Carol Thompson objected the cluster development on Hanging Rock Drive.

Woody Nedom objected to changing the Master Growth Plan and asked that the Master Plan be preserved.

Tim Connor explained that a property with a Conservation Easement loses its value to sell. Staff expressed again the Planning Office's opinion that the Master Plan Amendment in a density of 5 to 7 units per acre on this property was not appropriate.

Jack Paulson asked for clarification on the amount of wetland and developable land. Tim Conner said that 3.3 acres were wetland and 10.8 acres were developable.

Phil Hanson made the motion to deny the amendment. Tim Calaway seconded the motion. Board comments: Tim Calaway said he respected the staff report and was not in favor of the amendment. Phil Hanson expressed that as far as he could see, nothing had changed since the amendment was denied in October. Clarice Ryan did not agree with the density. Motion was called for vote. Motion was passed unanimously to deny the amendment. The Flathead County Planning and Zoning committee will hear this on February 9, 2005.

Minutes of December 2, 2004 were approved as mailed .

Meeting was adjourned at 7:05 p.m.